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6 Attorneys for Defendant  
7 RELIANCE ELECTRIC COMPANY

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10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 HARRY LEMASTER and CAROLYN  
LEMASTER,

13  
14 Plaintiffs,

15 v.

16 ALLIS-CHAMBERS CORPORATION  
PRODUCT LIABILITY TRUST, et al

17 Defendants.

Case No. C 08 03316 PJH

**JOINT STIPULATION TO DISMISS  
DEFENDANT RELIANCE ELECTRIC  
COMPANY AND TO REMAND ACTION  
TO STATE COURT AND ORDER**

**[Local Rules 7-1 and 7-12; FRCP 41]**

18 Come now Plaintiffs HARRY LEMASTER and CAROLYN LEMASTER ("Plaintiffs")  
19 and Defendant RELIANCE ELECTRIC COMPANY ("RELIANCE"), who file the following  
20 joint stipulation pursuant to Local Rules 7-1 and 7-12:

21 WHEREAS, Defendant RELIANCE removed this case to the United States District Court  
22 for the Northern District of California on July 9, 2008, on the ground that the Court has "federal  
23 officer" subject matter jurisdiction under 28 United States Code § 1442(a) based on Plaintiff's  
24 allegations that his injury was caused by products designed and manufactured by RELIANCE  
25 under the supervision and control of the United States government;

26 WHEREAS, Defendant RELIANCE was the sole removing defendant and no other  
27 defendant joined in removal or filed a separate notice of removal;  
28

1 WHEREAS, Plaintiffs and Defendant RELIANCE, the affected parties, have now  
2 reached a resolution of Plaintiffs' claims against RELIANCE;

3 WHEREAS, Defendant RELIANCE's desire for a federal forum for this action is now  
4 moot given the resolution of Plaintiffs' claims against it; and

5 WHEREAS, pursuant to the parties' resolution, Plaintiffs and Defendant RELIANCE  
6 seek to have this action remanded to state court, IT IS HEREBY STIPULATED by the affected  
7 parties, Plaintiffs and Defendant RELIANCE, that all claims against Defendant RELIANCE  
8 shall be, and hereby are, dismissed with prejudice pursuant to Rule 41 of the Federal Rules of  
9 Civil Procedure and that this action shall be, and hereby is, immediately remanded to the San  
10 Francisco County Superior Court, the court in which it was originally filed and from which it  
11 was removed.

12 DATED: November 3, 2008

BRAYTON PURCELL

14  
15 By: 

Richard Grant  
Attorneys for Plaintiffs  
HARRY AND CAROLYN LEMASTER

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18 DATED: November \_\_, 2008

TUCKER ELLIS & WEST LLP

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21 By:

Lance Wilson  
Attorneys for Defendant  
RELIANCE ELECTRIC COMPANY

1 WHEREAS, Plaintiffs and Defendant RELIANCE, the affected parties, have now  
2 reached a resolution of Plaintiffs' claims against RELIANCE;

3 WHEREAS, Defendant RELIANCE's desire for a federal forum for this action is now  
4 moot given the resolution of Plaintiffs' claims against it; and

5 WHEREAS, pursuant to the parties' resolution, Plaintiffs and Defendant RELIANCE  
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7 parties, Plaintiffs and Defendant RELIANCE, that all claims against Defendant RELIANCE  
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9 Civil Procedure and that this action shall be, and hereby is, immediately remanded to the San  
10 Francisco County Superior Court, the court in which it was originally filed and from which it  
11 was removed.

12 DATED: October \_\_, 2008

BRAYTON PURCELL

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15 By: \_\_\_\_\_

Richard Grant  
Attorneys for Plaintiffs  
HARRY AND CAROLYN LEMASTER

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18 DATED: November 3, 2008

TUCKER ELLIS & WEST LLP

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21 By: 

Lance Wilson  
Attorneys for Defendant  
RELIANCE ELECTRIC COMPANY

1           **PURSUANT TO STIPULATION, IT IS SO ORDERED.** Case is REMANDED to the  
2 Superior Court of California, County of San Francisco, Case. No. 274669. The Clerk shall send  
3 a certified copy of this Order to the Clerk of the Court for the Superior Court of California,  
4 County of San Francisco.

5  
6 Dated: November 7, 2008

By: \_\_\_\_\_

